

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.MC.No. 1703 of 2007()

CC.940/2002 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONER: ACCUSED

SOORAJ THOMAS, S/O.P.Z.THOMASKUTTY,
MARYGIRI HOUSE, PANIYANKARA P.O.,
PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. M/S.NICO UCO ALLIANCE CREDIT LTD.,
SOUTH SQUARE BUILDING, PANAMPILLY NAGAR P.O.,
COCHIN-36 REP. BY ITS AUTHORISED OFFICER AND
MANAGER, BABU NARAYANAN, AGED 39,
S/O KRISHNANKUTTY NAIR.

BY P.P. SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ALONG WITH CRMC 1704/07 ON 28/05/2007, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NOs. 1703 & 1704 OF 2007

Dated this the 28th day of May, 2007

ORDER

The common petitioner, who claims to be employed as Driver at Ahmadabad, faces indictment in two separate prosecutions under Sec.138 of the N.I. Act. He had entered appearance and was enlarged on bail. But consequent to his non-appearance before the learned Magistrate on certain dates of posing, he finds himself in the unenviable predicament of warrants of arrest issued by the learned Magistrate chasing him. The petitioner, in these circumstances, wants to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that his application for regular bail may not be considered by the learned Magistrate on merits in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned

Magistrate to release him on bail when he appears before the learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and

CRL.M.C.NOs. 1703 & 1704 OF 2007 -: 3 :-

expeditiously – on the date of surrender itself, unless compelling and exceptional reasons are there.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge